

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

In Re:

WINONA P. WALKER,

Debtor.

■
■ Chapter 13
■ Bankruptcy No. 17-70641-JTL
■
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**RESPONSE OF THE UNITED STATES OF AMERICA,
On behalf of ARMY AND AIR FORCE EXCHANGE SERVICES, TO
TRUSTEE'S OBJECTION TO CLAIM NO. 3**

COMES NOW the United States of America, acting on behalf of the Army and Air Force Exchange Services (hereinafter referred to as "AAFES"), creditor herein, by and through the United States Attorney for the Middle District of Georgia, and herewith responds to the Chapter 13 Trustee's Objection to Claim, No. 3. In support of this response, the United States shows the following:

1.

As a result of the Order Confirming Plan, the Chapter 13 Trustee has filed the instant Objection to Claim of AAFES, alleging that, "the debtor's confirmed Chapter 13 plan does not contain a provision for treating this debt as secured. Therefore, this claim cannot be treated as secured for the purpose of distribution." Therefore, the Trustee contends that AAFES' claim should be treated as unsecured for distribution.

2.

AAFES is a creditor in this case and, using a private company, timely filed a proof of claim in this case, consisting of \$2,447.90, as secured and \$2,455.03, as unsecured. AAFES contends that, according to the Creditor Matrix, notice was not properly served upon the Government in this case and, therefore, not having received Debtor's plan (which did not list AAFES as a creditor nor provide any treatment of its debt), the United States failed to file an Objection to Debtor's plan, which was subsequently confirmed on or about October 4, 2017.

3.

The United States intends to file a Motion for Reconsideration of the Order Confirming Debtor's Plan.

4.

The AAFES contends that its claim is valid and should be allowed as secured, that AAFES holds a Purchase Money Security Interest (PMSI) in property purchased by Debtor. While AAFES concedes that it is bound by the Order of Confirmation, AAFES nevertheless contends that its claim should be treated as secured for purposes of distribution by the Chapter 13 Trustee.

5.

The United States further submits that there was no Objection to Claim filed by Debtor prior to the confirmation of this Debtor's plan.

WHEREFORE, the United States respectfully prays that this Court denies the Trustee's Objection and grant such relief as deemed appropriate and proper.

Respectfully submitted, this 16th day of November 2017.

G.F. PETERMAN, III
UNITED STATES ATTORNEY

/s/ Barbara G. Parker

By:

Barbara G. Parker
Assistant United States Attorney
Georgia Bar No. 561750

ADDRESS:

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(478) 752-3511

CERTIFICATE OF SERVICE

This is to certify that, this date, I have electronically filed the within and foregoing **Response of the United States of America to the Trustee's Objection to Claim No. 3** filed by and on behalf of the Army and Air Force Exchange Services (AAFES), with the Clerk of the Court using the CM/ECF system. I also certify that Debtor's attorney of record and Trustee have been served on this date by electronic means of the Court and Debtor via United States Mail with proper postage affixed thereto.

Kristin Hurst
Chapter 13 Trustee
P.O. Box 1907
Columbus, Georgia 31902-1907

William O. Woodall
Attorney for Debtor
P.O. Box 3335
1003 Patterson Street
Valdosta, Georgia 31604

Winona P. Walker
Debtor
4901 Lori Street
Valdosta, Georgia 31602

This 16th day of November 2017.

G.F. PETERMAN, III
UNITED STATES ATTORNEY

/s/ Barbara G. Parker

By:

Barbara G. Parker
Assistant United States Attorney
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